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FACSIMILE COVER LETTER

**To:** Group Art Unit 1635  
**Firm:** U.S. Patent and Trademark Office  
**Facsimile:** (571) 273-8300  
**From:** Thomas J. Kowalski (Reg. No. 32,147)  
 Deborah L. Lu (Reg. No. 50,940)  
**Date:** March 21, 2006  
**Re:** Application No. 10/782,899  
 FLH Reference No. 671308-2001.1  
**Number of Pages:** 3  
 (including cover page)

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If you do not receive all pages or are unable to read the transmission, please call and ask for Deborah Lu (Ext. 2088).

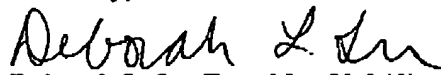
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Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir/Madam:

Enclosed is a STATEMENT UNDER 37 C.F.R. § 1.133(b) REGARDING SUBSTANCE OF INTERVIEW for filing in connection with U.S. Application No. 10/782,899.

Sincerely,

  
 Deborah L. Lu (Reg. No. 50,940)

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MAR 21 2006 PATENT  
671308-2001.1  
Serial No. 10/782,899

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : FUJIMORI, ET AL  
Serial No. : 10/782,899  
For : ANAEROBIC BACTERIUM AS A DRUG FOR CANCER  
GENE THERAPY  
Filed : FEBRUARY 23, 2004  
Examiner : WHITEMAN, BRIAN A.  
Art Unit : 1635

745 Fifth Avenue  
New York, NY 10151

**FACSIMILE**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Deborah L. Lu, Reg. No. 50,940

Type or print name of person signing certification

March 21, 2006  
Signature

Deborah L. Lu  
Date of Signature

**STATEMENT UNDER 37 C.F.R. § 1.133(b)  
REGARDING SUBSTANCE OF INTERVIEW**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Communication mailed March 15, 2006 enclosing an Examiner's Interview Summary Form PTOL-413 to which a STATEMENT OF THE SUBSTANCE OF THE INTERVIEW ("STATEMENT") under 37 C.F.R. § 1.133(b) is due no later than April 15, 2006. The present STATEMENT is being timely filed by facsimile and it is believed that no fee is required for submission of this paper. However, the Commissioner is hereby authorized to charge any necessary fee for this paper, or to credit any overpayment in fees, to Deposit Account 50-0320.

PATENT  
671308-2001.1  
Serial No. 10/782,899

**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

This is to record matters discussed during the March 10, 2006 telephonic interview among Brian Whiteman (Examiner), Thomas J. Kowalski (Attorney, Reg. No. 32,147) and Deborah L. Lu (Attorney, Reg. No. 50,940). Examiner Whiteman is thanked for the many courtesies extended during the interview.

The Examiner indicated that Applicants' representatives discussed that Applicants' argument directed to the enablement rejection of record is not reflected in the amended claims. The Examiner indicated that the enablement rejection would be overcome if the rejected claims were amended to include the species, *longum*, therein. The Examiner and the Applicants' representatives also discussed possible redundant claims. The rejections based on prior art were also discussed.

The Applicants' representatives indicated that they would discuss the interview with the Applicants and file a Supplemental Amendment. However, Applicants instead wish to await the issuance of a second Office Action in order to advance prosecution. Thus, the Supplemental Amendment discussed at the interview will not be filed at this time.

Accordingly, a summary and record of the interview is provided herewith. And, it is respectfully asserted that the above STATEMENT meets the requirements set forth in M.P.E.P. 713.04 and thus, qualifies under 37 C.F.R. § 1.133(b).

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

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